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AMTECK OF KENTUCKY, INC. and THE HASKELL COMPANY  
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9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA

11 REYNALDO SALINAS, et al., ) CASE NO. C 08-01463 PJH  
12 )  
Plaintiffs, )  
13 )  
vs. ) Date: July 23, 2008  
14 ) Time: 9:00 a.m  
AMTECK OF TEXAS, et al., ) Courtroom: 3  
15 )  
Defendants. )  
16 )  
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18 DEFENDANTS AMTECK OF KENTUCKY, INC. and THE HASKELL COMPANY'S  
19 NOTICE OF MOTION AND MOTION FOR ASSESSMENT OF FEES AND COSTS  
20 AGAINST PLAINTIFFS IN THE AMOUNT OF \$77,847.66 AND FOR STAY OR  
21 DISMISSAL OF PROCEEDINGS PENDING PAYMENT  
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1 NOTICE IS HEREBY GIVEN that on July 23, 2008 at 9:00 a.m., or as soon  
2 thereafter as counsel may be heard, in Courtroom 3 of the above titled court located at 450  
3 Golden Gate Avenue, San Francisco, California, defendants Amteck of Kentucky, Inc. and  
4 the Haskell Company (hereinafter, "defendants") will move and do hereby move this court  
5 for the following:

6 (1) An order requiring plaintiffs and/or their counsel to pay the judgment of  
7 \$7,496.26 entered in favor of the moving defendants in the matter of Reynaldo Salinas, et  
8 al. v. Amteck, et al., Superior Court, State of California, Napa County, Case No. 26-35179;

9 (2) An order requiring plaintiffs and/or their counsel to pay \$42,127.24 to the  
10 moving defendants for attorneys fees and costs incurred defending Reynaldo Salinas, et al.  
11 v. Amteck, et al., Superior Court, State of California, Napa County, Case No. 26-35179  
12 prior to the action being voluntarily dismissed by plaintiffs without the moving defendants'  
13 consent;

14 (3) An order requiring plaintiffs and/or their counsel to pay \$28,224.16 to the  
15 moving defendants for attorneys fees and costs incurred  
16 removing this action from Texas state court and having it transferred to this court; and

17 (4) An order staying this action until plaintiffs and/or their counsel have paid the  
18 judgment, attorneys fees and costs requested above.

19 This motion is made pursuant to Fed.R.Civ.P. Rule 41(d), 28 USC §1927 and FRCP  
20 Rule 30(d)(2) and (3) on the grounds that plaintiffs dismissed a complaint against the  
21 moving defendants in the Napa County Superior Court for an improper purpose and then re-  
22 filed a complaint with the same claims against moving defendants in Texas state court.  
23 Plaintiffs actions have required the moving defendants to remove this matter from Texas  
24 state court and have it transferred to this court.

25 This motion is based upon this notice, the accompanying memorandum of points and  
26 authorities, the accompanying attorney declaration, the pleadings and files on file herein,

1 the pleadings and files on file in Reynaldo Salinas, et al. v. Amteck of Texas, et al, USDC,  
2 Southern District of Texas, Case No. 7:08-cv-00003 and such further other matters as may  
3 hereafter be presented to the court at the hearing.

4 DATED: June 9, 2008

DIEPENBROCK & COTTER, LLP

*/s/ John P. Cotter*

By:

JOHN P. COTTER  
ANTHONY R. ROSSMILLER  
Attorneys for Defendants  
AMTECK OF KENTUCKY, INC. and  
THE HASKELL COMPANY

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the above and forgoing document was sent via ELECTRONIC SERVICE (through ECF website) or UNITED PARCEL SERVICE to the counsel listed below on June 12, 2008:

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8 Counsel for Snorkel International, Inc.  
9 (Served through ECF system)

10 I declare under penalty of perjury that the forgoing is true and correct.

11 /s/ John P. Cotter

12 \_\_\_\_\_  
13 JOHN P. COTTER

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